P. 8 NO. 8726

BSKB COM OCT. 31. 2001 8:34AM

> PATENT 0147-0215P

IN THE U.S. PATENT AND TRADEMARK OFFICE

NEUHAUS, Ekkehard et al. Conf.:

unassigned

Applicant:

09/674,768

unassigned Group:

Appl. No.:

Examiner: unassigned

Filed:

November 6, 2000

Pox:

TRANSGENIC PLANTS WITH A MODIFIED ACTIVITY OF A PLASTIDIAL ADP/ATP

TRANSLOCATOR

STATEMENT BY ENVENTOR

Assistant Commissioner for Patents Washington, DC 20231

October 22, 2001

This communication is an attachment to a Petition to sir: Correct Inventorship under 37 C.F.R. \$ 1.48(a), filed in connection with the above-identified application and previous

I, Norbert Martini of Herbigstrasse 3g, D-50825 Koln, PCT/EP99/03292. GERMANY, was incorrectly named as a coinventor of the above-

The inventorship error occurred without deceptive intention identified application.

I hereby declare that all statements made herein of my own on my part. knowledge are true and that all statements made on information

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NO. 8726

Appl. No. 09/674,768

and belief are believed to be true; and further that these statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued Signature Cashing thereon.

05.11.2001

Norbert Martini Type name of person signing

(Rev. 09/27/01)

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NO. 8726 P. 6

PATERT 0147-0215P

IN THE U.S. PATENT AND TRADERARK OFFICE

MEUHANS, EKKehard et al. Conf .: CLOMD: unassigned

Applicant:

09/674,768

unassigned

Appl. No.:

Piled:

November 6, 2000

Examiner: unassigned

Pot:

TRANSGENIC PLANTS WITH A MODIFIED ACTIVITY OF A PLASTIDIAL ADPIATE

TRANSLOCATOR

STATEMENT BY INVENTOR

Assistant Commissioner for Patents Washington, DC 20231

October 31, 2001

Sir:

This communication is an attachment to a Petition to filed in Correct Inventorship under 37 C.F.R. 9 1.48(a). connection with the above-identified application and previous

I. Jozef Schell of Carl-von-Weg 12, D-50829 Koln, GERMANY, PCT/EF99/03292. was incorrectly named as a coinventor of the above-identified

The inventorship error occurred without deceptive intention application.

I hereby declare that all statements made herein of my own on my part. knowledge are true and that all statements made on information Vusstus & Pariner

OCT. 31, 2001 8:34AM BSKB COM

NO. 8726 P. 7

Appl. No. 09/674,768

and belief are believed to be true; and further that these statements and the like so made are punishable by fine or imprisonment. or both, under Section 1001 of witle 18 of the United States Code and that such willful false statements may be imprison the validity of the application or any patent issued thereon.

Nou 8 2001

Signature .

Type name of person signing

Oct. (9/27/01)

BIRCH, STEWART, KOLASCH & BIRCH, LLP

PLEASE NOTE: YOU MUST COMPLETE THE FOLLOWING P.O. Box 747 • Falls Church, Virginia 22040-0747 Telephone: (703) 205-8000 • Facsimile: (703) 205-8050

COMBINED DECLARATION AND POWER OF ATTORNEY FOR PATENT AND DESIGN APPLICATIONS

As a below named inventor, I hereby declare that my residence, post office address and citizenship are as stated next to my name; that I verily believe that I am the original, first and sole inventor (if only one inventor is named below) or an original, first and joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

	invention entitled:					_	_
Insert Titlė:	TRANSGENIC PLANTS WITH A MODIFIED ACTIVITY OF A PLASTIDIAL ADP/ATP TRANSLOCATOR						
Fill in Appropriate Information - For Use Without Specification	the specification United States	on was filed on <u>No</u>	er <u>09/674,768</u>	eto,		(if applicable	as
Attached:	the specification was filed on May 12, 1999 International Application Number PCT/EP99/03292 amended under PCT Article 19 on						
	amended by any ar I acknowledg Regulations, §1.56. I do not know thereof, or patenter year prior to this applic date of this applic representative or a patent or inventor's application by me of I hereby claim or inventor's certific	and do not believed and do not believed or described in a pplication, that the ation, that the inve- ation in any coun- ssigns more than a certificate on this or my legal represe foreign priority to tate listed below as	ed and understand the co- to above. lose information which is the same was ever known the printed publication in e same was not in publication has not been patent thry foreign to the Unite twelve months (six month invention has been filed intatives or assigns, except enefits under Title 35, Un and have also identified bel tion on which priority is cl	n or used in the any country be use or on sale ited or made the ded States of An is for designs) pin any country as follows. ited States Code ow any foreign	utentability as defined United States of America my or our invention the United States subject of an inventionerica on an application of the United foreign to the United	ed in Title 37, Co crica before my or ntion thereof or no of America more or's certificate issu- tion filed by me on, and that no a States of Americ	de of Feder our invention nore than or than one ye led before the or my leg pplication to
	Prior Foreign Ap		• ,			Priority (Claimed
Insert Priority Information: (if appropriate)	198 21 442.1 . (Number)	Germany (Country)		May 13, 1998 (Month/Day	8 y/Yéar Filed)	⊠ Yes	□ No
	(Number)	(Country)		(Month/Day	y/Year Filed)	Yes	□ No
	(Number)	(Country)	· · · · · · · · · · · · · · · · · · ·	(Month/Day	y/Year Filed)	Tes	□ No
	(Number)	(Country)		(Month/Day	y/Year Filed)	Yes	□ No
Turkon eratuak	I hereby claim the b	enefit under Title	35, United States Code, §1	19(e) of any Uni	ted States provisiona	l applications(s) li	sted below.
Insert Provisional Application(s): (if any)	(Application Numb	er)		(Filing D	Pate)		
	(Application Number) (Filing Date) All Foreign Applications, if any, for any Patent or Inventor's Certificate Filed More than 12 Months (6 Months for Designs) Prior the Filing Date of This Application:						
Insert Requested	Country		Application Number		Date of Filing (Mor	nth/Day/Year)	
(if appropriate)	I hereby claim the benefit under Title 35, United States Code, §120 of any United States and/or PCT application(s) listed below and insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States and/or PCT application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose information which is material to the patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.						
Insert Prior U.S Application(s): (if any)	(Application Numb	er)	(Filing Date)	 	(Status - patented, p	pending, abandon	ed)
Page 1 of 2	(Application Numb	er)	(Filing Date)		(Status - patented, p	pending, abandon	ed)

Attorney Docket No. 0147-215P

I hereby appoint the following attorneys to prosecute this application and/or an international application based on this application and to transact all business in the Patent and Trademark Office connected therewith and in connection with the resulting patent based on instructions received from the entity who first sent the application papers to the attorneys identified below, unless the inventor(s) or assignee provides said attorneys with a written notice to the contrary:

Raymond C. Stewart	(Reg. No. 21,066)	Terrell C. Birch	(Reg. No. 19,382)
Joseph A. Kolasch	(Reg. No. 22,463)	James M. Slattery	(Reg. No. 28,380)
Bernard L. Sweeney	(Reg. No. 24,448)	Michael K. Mutter	(Reg. No. 29,680)
Charles Gorenstein	(Reg. No. 29,271)	Gerald M. Murphy, Jr.	(Reg. No. 28,977)
Leonard R. Svensson	(Reg. No. 30,330)	Terry L. Clark	(Reg. No. 32,644)
Andrew D. Meikle	(Reg. No. 32,868)	Marc S. Weiner	(Reg. No. 32,181)
Joe McKinney Muncy	(Reg. No. 32,334)	Donald J. Daley	(Reg. No. 34,313)
John W. Bailey	(Reg. No. 32,881)	John A. Castellano	(Reg. No. 35,094)
Gary D. Yacura	(Reg. No. 35.416)	•	, (2.28.2.2.,2.2)

Send Correspondence to:

BIRCH, STEWART, KOLASCH & BIRCH, LLP

or Customer No. 2292

P.O. Box 747 • Falls Church, Virginia 22040-0747

Telephone: (703) 205-8000 • Facsimile: (703) 205-8050

PLEASE NOTE: YOU MUST COMPLETE THE FOLLOWING:

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

		· · · · · · · · · · · · · · · · · · ·		<u> </u>			
Name of First r Sole Inventor: ert Name of	GIVEN NAME/FAMILY NAME	INVENTOR'S SCNATURE	. *	DATE* X			
nventor → set Date This occurrent is Signed	Ekkehard, NEUHAUS	1. Makano		DATE X DA. 127000			
rt Residence rt Citizenship →	Residence (City, State & Country)		CITIZENSHI				
	Osnabruck, Germany		German				
irt Post Office .ddress →	MAILING ADDRESS (Complete Street Address	including City, State & Country)	<u> </u>				
•	Sachsenweg 29 49086 Osnabruck, Germany						
Name of Second	GIVEN NAME/FAMILY NAME	INVENTOR'S SIGNATURE	. *	DATE* X			
see above	Torsten, MOEHLMANN	T. Molena	un :	22.12.2000			
	Residence (City, State & Country)		CITIZENSHI	P			
	Bunde, Germany		German				
٠	MAILING ADDRESS (Complete Street Address including City, State & Country)						
	Gellertstr. 17 32257 Bunde, Germany						
Name of Third ventor, if any:	GIVEN NAME/FAMILY NAME	INVENTOR'S SIGNATURE) 1×	DATE* 😾			
see above	Karl-Heinz, GRAEVE-KAMPFENKEL	16. Green-Thomas	entrel	31.12.2000			
	Residence (City, State & Country)	Sie Constitution of the Co	CITIZENSHII	P			
	Mainz-Kostheim, Germany		German				
	MAILING ADDRESS (Complete Street Address including City, State & Country)						
	Im Sampel 10A 55246 Mainz-Kostheim, Germany						
Name of Fourth ventor, if any:	GIVEN NAME/FAMILY NAME	INVENTOR'S SIGNATURE	×	DATE* ½			
see above	Joachim, TJADEN	1. Trada		22.12.2000			
	Residence (City, State & Country)	7 \$	CITIZENSHII				
	Osnabruck, Germany	_	German				
	MAILING ADDRESS (Complete Street Address including City, State & Country)						
	Johannisstr. 97 49074 Osnabruck, Germany						

Page 2 of 2 (Rev. 10/27/2000)

^{*}DATE OF SIGNATURE

NO. 8726 P. 10

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> PATENT 0147-0215F

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant:

NEUHAUS, Ekkehard et al. Conf.:

unassisgned

09/674,768

Group:

unassigned

Appl. No.:

Filed:

November 6, 2000

Examiner: unassigned

For:

TRANSGENIC PLANTS WITH A MODIFIED ACTIVITY OF A PLASTIDIAL ADP/ATP

TRANSLOCATOR

ASSENT OF ASSIGNEE TO CORRECTION AND/OR ADDITION OF INVENTOR(S)

Assistant Commissioner for Patents Washington, DC 20231

October 22, 2001

Your petitioner, PlantTec Biotechnologie GmbH Forschung & sir: Entwicklung, residing at Hermannswerder 14, D-14473 Potsdam, Germany, represent that they are the present Assignee of the entire interest in U.S. Patent application Serial No. 09/674,768 (Transgenic Plants with a modified activity of a Plastidial ADP/ATP Translocator), which entered the U.S. National Stage on November 6, 2000.

Your petitioner, PlantTec Biotechnologie GmbH Forschung & Entwicklung, hereby consents to a change of inventorship of application serial no. 09/674,768 from the joint invention of NEUHAUS, Ekkehard: MOEHLMANN, Torsten; GRAEVE-KAMPFENKEL, Karl-Heinz; TJADEN, Joachim, to the joint invention of NEUHAUS, Ekkehard; MOEHLMANN, Torsten; GRAEVE-KAMPFENKEL, Karl-Heinz; TJADEN, Joachim. Respectfully submitted, PlantTec Biotechnologie GmbH Forschung & Entwicklung Hermannswerder 14, D-14473 Potsdam, Germany.

Appl. No. 09/674,768

02. 11. 2001 Date Signature

Dr. Jörg Riesmeier Managing Director

Type name and title of person
authorized to sign on behalf
of Assignee.

(Rev. 09/27/01)

PlantTec Biotechnologie GmbH

Forschung & Entwicklung
Hermannswerder 14
14473 Potsdam

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20003

02/11 01 FR 15:32 FAX +48 89 4130 4400

VOSSIUS & PARTNER

OCT. 31. 2001 8:39AM

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NO. 8726 P. 4

ATTORNEY DOCKET NO. 0147-0215P

08315025600

BIRCH, STEWART, KOLASCH & BIRCH, LLP

UNITED STATES PATENT RIGHTS, OR UNITED STATES PLUS ALL POREIGN PATENT RIGHTS

ASSIGNMENT

	Filed November 6, 2000
•	Application No. 09/674-768
Insert Name(s)	WHEREAS, NEUBAUS, Edicaband MOEHLMANN, Toronta
of Invantor(r)	GRAEVE-KAMPFENKEL KAE-Ficin: TIADEN, Josephin
· ,	
	(horsinafter designated as the updessigned) has (have) invested estable new and useful improvements in
Insert Title	TRANSCENIC PLANTS WITH A MODIFIED ACTIVITY OF A PLASTICIAL ADPIATE TRANSLOCATOR
of Invention	TRANSCIPAL FLANCE Extens Patent of the United States of America has been executed by the for which an application for Letters Patent of the United States of America has been executed by the undersigned (except in the case of a provisional application).
Insert Date of Signing of Application	on; and
Insert Name of Assigner	WHEREAS, Plantice Biotechnologies Gmath Forschung & Enraleklung
insert Address of Arsignss	of Hermann swerter 14, D-14473 Postdaul, Germany
	is beirs, successors, legal representatives and assigns (hereinatter designated as the Azzignee) is desirous of acquiring the continuing the continuing the continuing the continuing the continuing the rest in the United States of Aroccien and
CHECK BOX	is any feering continue.
	NOW, THEREFORE, in consideration of the sum of Ten Dollars (\$10.00) to the underrigned in hand rold, the receipt of which is hereby schoowledged, and other good and valuable consideration, the underrigned has (have) sold, assigned and transferred, and by these presents does soll, assign and transfer unto sold has (have) sold, assigned and createsive right to the rold invention in the United States of America, its tentiories, Assigned the full and exclusive right to the rold invention in the United States and all Lemma Patent(s) dependencies and postersions and the online right, title and inserest in and to any and all Lemma Patent(s) which may be granted therefor in the United States of America, in tentionless, dependencies and postersions, and if the box above is designated, in any and all family communics:
	possessions, and it the but the continues continues on the first and amounted the full was or and in any and all divisions, returned, continues one on which the same may be ground.

Page 1 of 2

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NO. 8726 P. 5

Anomey Docket No. 0147-0215P

The undersigned agree(s) to execute all popers unconstant in connection with this application and any continuing divisional, conversion or reasons applications thereof and also to execute aparate assignments in connection with such applications at the Assignment may deem necessary or expedient.

The ordersigned agree (s) or encourse all papers necessary in connection with any interference which may be declared concerning this application or continuation, division, conversion or colorus thereof or Loner Parent(s) or release patent lessed mercon and to cooperate with the Assigner in every way possible in obtaining and producing evidence and proceeding with such interference.

The undersigned agree(s) to execute all papers and documents and to perform any act which may be accessary in connection with claims or provisions of the International Convention for the Property of similar agreements.

The undersigned agree(s) to perform all affirmative acts which may be necessary to obtain a grant of a valid United States of America and any foreign parant(s) to the United States of America and in foreign parant(s) to the Assignee and to vast all rights therein bureby conveyed to said Assignee to fully and entirely as the same would have been held by the undersigned if this Assignment and sale had not been made.

The ordersigned bareby summorize(s) and request(s) the Paumi and Trademark Office Officials in the United States of America and in any forcing computer to itsue my and all Letters Patrons resulting from raid applications of the control any conducting divisional conversion or reistant applications thereof to the 12th Assigner, 22 Assigner of the entire interest, and hereby coverants that he has (they have) the full right to convey the entire interest herein assigned, and that he has (they have) and executed, and will not execute, any agreement to conflict herewills.

The undersigned hereby grant(s) the law firm of Birch, Stewart, Kolarch & Birch, LLP the power to insert on this Assignment any further identification which way be necessary or desirable in order to comply with the rules of the U.S. Palent and Toxicemark Office for recordation of this document.

The undersigned hereby coversm(s) that no essignment sale, agreement or encumbrance has been or will be made or entered into which would conflict with this uniquenent.

In wimess whereaf, executed by the undersigned on the date(s) apposite the undersigned name(s).

Date 8.11.01	Name of Inventor (Signature) NEUHAUS, Ethopard	
Dans 9. 11. U1	Name of Investor T. MOEHLMANN, Torsion	
Date 8 M. O1	Name of Inventor (signature) COLEVE-KAMPPENKEL KEL-Heli	n 2
Date	Name of laventur (signature) UADEN, Josephin	
Date	Name of Inventor (signature)	
Dare	Nume of Inventor (signature)	
		April 2000

bak 3 of 3

NO. 8726 P. 4

ATTORNEY DOCKET NO. 0147-0215F

BIRCH, STEWART, KOLASCH & BIRCH, LLP

United States patent rights, or United States plus all foreign patent rights

ASSIGNMENT

	ADD A CONTRACT OF THE CONTRACT	
	Filed November 6, 2000	
	Application No. 09/674.768	
	Application No. 1976 MANN, Tursten	
	MORAL MARKET	
Insert Name(s)	WHEREAS, NEURAUS, Ellerhand MODELLAND	
of Inventor(s)	GRAEVE KAMPFENKEL KIN-Home TIADEN, Inschim	
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Insert Title	TRANSGENIC PLANTS WITH A MODIFIED ACTIVITY OF THE United States of America has been executed by for which an application for Letters Parent of the United States of America has been executed by for which an application described (except in the case of a provisional application).	the .
of Invention	TRANSCESS OF AMERICA LIST	
•	Therefore for Letters Parent of the Common (
	for which an appure in the case of a provisional appureautory	
	for which an application for Letters Patent of the Country and application).	
		; and
Insert Date		
of Signing of		
of Bigning or	93	
Application	whereas. Planter Biorchnologies GmbH Porschung & Entwicklung	
•	Discharles Gmit Postching & Chinasantin	
Insert Name	WHEREAS. Plantipe Bibliogram	
of Assignee		
Insert Addr	in beirs, encessors, legal representatives and assigns (hereinaries designated as the Assignee) is desired in beirs, encessors, legal representatives and assigns (hereinaries designated as the Assignee) is desired in beirs, encessors, legal representatives and assigns of hereinaries and in and to any Letters Patentics.	us of
of Assignee	of Hermanneseries 14 Interesentatives and assigns (hereinarter designated as the Arrigane) is desired in beirs, encessors, legal representatives and assigns (hereinarter designated as the Arrigane) is desired in beirs, encessors, legal representatives and assigns (hereinarter designated as the Arrigane) is desired interest in and to said invention and in and to any Lemma Passent(s) arrived in the United Smuss of Armerica and	that
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CHECK	may be granted in the BOX in any foreign countries.	ادامت د
CHECK P	BOX [in any foreign countries.] PRIATE NOW. THEREFORE in consideration of the sum of Ten Dollars (\$10.00) to the undersigned in hand NOW. THEREFORE in consideration of the sum of Ten Dollars (\$10.00) to the undersigned in hander NOW. Therefore, in consideration of the sum of Ten Dollars (\$10.00) to the undersigned in hander NOW. Therefore, in consideration of the sum of Ten Dollars (\$10.00) to the undersigned in hander NOW. Therefore, in consideration of the sum of Ten Dollars (\$10.00) to the undersigned in hander NOW. Therefore, in consideration of the sum of Ten Dollars (\$10.00) to the undersigned in hander NOW. Therefore, in consideration of the sum of Ten Dollars (\$10.00) to the undersigned in hander NOW. Therefore, in consideration of the sum of Ten Dollars (\$10.00) to the undersigned in hander NOW. Therefore, in consideration of the sum of Ten Dollars (\$10.00) to the undersigned in hander NOW. Therefore, in consideration of the sum of Ten Dollars (\$10.00) to the undersigned in hander NOW. Therefore, in consideration of the sum of Ten Dollars (\$10.00) to the undersigned in hander NOW. Therefore, in consideration of the sum of Ten Dollars (\$10.00) to the undersigned in hander NOW. Therefore, in consideration of the sum of Ten Dollars (\$10.00) to the undersigned in hander NOW. Therefore, in consideration of the sum of the undersigned in hander NOW. Therefore, in consideration of the sum of the undersigned in hander NOW. Therefore, in the undersigned in hander in the undersigned in the undersigned in hander in the undersigned) pare-
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	has there) sold, sasigned and maintain the said invention in the United January and all Louisian Pr	Mende)
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	dependencies and possessions and in the United States of America, in which may be granted therefor in the United States of America, soundrier; possessions, and if the box above is designated, in my and all famign countrier;	
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	which may be grained as designated, in my and an integer of the full possessions, and if the box above is designated, in my and all divisions, relatives, continuations, conversions and extensions thereof for the full and to any and all divisions, relatives, continuations, conversions and extensions thereof for the full and to any and ich the same may be granted.	
	terms for which the same may be granted.	

Page 1 of 2

The undersigned agree(s) to execute all popers necessary in connection with this application and may continuing divisional, conversion or reissue applications thereof and also to execute separate assignments in connection with such applications as the Assignee may deem necessary or expedient.

The undersigned agree (s) so execute all papers necessary in connection with any interference which may be declared concerning this application or continuation, division, conversion or relates thereof or Letter Penent(s) or release parent lanced factors and to cooperate with the Assigner in every way possible in obtaining and producing evidence and proceeding with such interference.

The undersigned agree(s) to execute all papers and documents and to perform any acc which may be necessary in connection with claims or provisions of the International Convention for the Prometion of Industrial

The undersigned agree(s) to perform all affirmative acts which may be necessary to obtain a grant of a valid United States of America and any foreign paramets) to the United States of America and any foreign paramets and any foreign parameter and action of the state of America and any foreign parameter and any foreign parameter and action of the state of America and States of America and State Property or similar agreements. Assigner and to yest all rights therein hereby conveyed to said Assigner as fully and entirely as the same would have been held by the undersigned if this Assignment and sale had not been made.

The undersigned hereby authorize(s) and request(s) the Pausi and Trademark Office Officials in the United Prates of America and in any foreign countries to issue any and all Letters Paterts resulting from said spelication of any continuing divisional conversion or relative applications thereof to the said Assigner as Assigner of the entire interest, and hereby coverants that he has (they have) the full right to convey the entire interest herein assigned, and that he has (they have) not executed, and will not execute, my agreement in conflict herewith.

The undersigned hereby grant(s) the law firm of Birch, Stewart, Kolasch & Birch, LLP the power in insert on this Assignment any further identification which may be necessary or desirable in order to comply with the rules of the U.S. Patent and Trademark Office for recordation of this document.

The undersigned hereby covenant(s) that no assignment sale, agreement or encumbrance has been or will be made or entered into which would conflict with this assignment.

In winners whereof, executed by the understance on the date(s) apposite the understance name(s).

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